

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEREK BARNETT,

Petitioner,

-against-

9:02-CV-01528
(LEK/VEB)

JOHN W. BURGE,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on April 13, 2007, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 31).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 31) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254

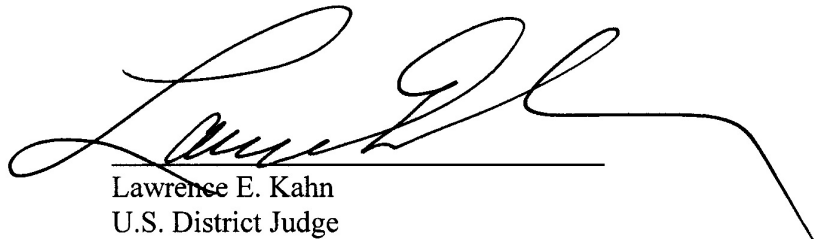
(Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED, that a certificate of appealability is not issued; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: June 06, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge